



LAWS OF ALASKA

1987

Source

CSHB 59 (Jud)

Chapter No.

37

AN ACT

Relating to the recycling and reduction of litter; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 5, 1987
Actual Effective Date: June 6, 1987

AN ACT

Relating to the recycling and reduction of
litter; and providing for an effective date.

* Section 1. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations issued under AS 18.35.341, [AND] citations issued in state park and recreational facilities under AS 41.21.960, and littering citations issued under AS 46.06.080.

* Sec. 2. AS 46.06.010 is repealed and reenacted to read:

Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department shall

(1) serve as the coordinating agency among public and private organizations in the state that are involved in the control, reduction, and recycling of litter;

(2) assist local governments in the adoption and amendment of ordinances relating to the control, reduction, and recycling of litter;

(3) promote voluntary local programs and information campaigns that encourage the public to refrain from littering and to

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1 participate in efforts to clean up and recycle litter;

2 (4) inform the public of, and encourage the public to
3 comply with, the provisions of this chapter and regulations adopted
4 under this chapter;

5 (5) encourage federal, state, and local agencies to assist
6 programs for the recycling of litter by allowing the use of publicly
7 owned land, buildings, or equipment for those programs whenever possi-
8 ble;

9 (6) apply for, receive, and expend grants, loans, and other
10 monetary and nonmonetary assistance for use in programs established
11 under this chapter;

12 (7) determine the types of materials or energy that may be
13 profitably recovered from litter, and adopt regulations under the
14 Administrative Procedure Act (AS 44.62) that require the recovery of
15 the materials or energy;

16 (8) adopt other regulations under the Administrative Proce-
17 dure Act (AS 44.62) necessary to implement this chapter.

18 * Sec. 3. AS 46.06.060 is amended to read:

19 Sec. 46.06.060. LITTER BAGS. The department may [SHALL] design
20 and have produced a litter bag bearing the state anti-litter symbol
21 and a statement of the penalties for littering in the state. The
22 department may [SHALL] make litter bags available to the division of
23 motor vehicles in the Department of Public Safety for this purpose.
24 The [TO THE GREATEST EXTENT PRACTICABLE, THE] division of motor
25 vehicles may [SHALL] distribute one litter bag to each person who
26 applies for registration or reregistration of a motor vehicle and
27 shall notify the person of the person's responsibilities under the
28 law. The department may [SHALL] make litter bags available to all
29 vehicle and vessel operators entering the state. The commissioner

shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by vehicle or vessel.

* Sec. 4. AS 46.06.080(c) is amended to read:

(c) A person who violates this section is guilty of a violation [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY AS 12.-55.035(b)(4) AND 12.55.135(b)], the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court.

* Sec. 5. AS 46.06.080 is amended by adding new subsections to read:

(d) A peace officer shall issue a citation as provided in AS 12.25.180 to a person who violates this section. If a citation is for a minor littering violation, then the person to whom the citation is issued may, within 15 days, mail or personally deliver to the clerk of the court in which the citation is filed

(1) a fine of \$50; and

(2) a copy of the citation indicating that the right to an appearance is waived and a plea of no contest is entered.

(e) If a \$50 fine has been paid under (d) of this section, then the court shall enter a judgment of conviction. Payment of the fine is a complete satisfaction for the violation.

(f) If a person cited under this section fails to pay the fine or to appear in court as required, the citation is considered a summons for a failure to obey a citation under AS 12.25.230, and the court may issue a bench warrant.

(g) Notwithstanding other provisions of law, if a person cited for a minor littering violation under this section appears in court and is found guilty, the penalty that is imposed for the violation may

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1 not exceed \$50.

2 (h) In this section "a minor littering violation" means a viola-
3 tion of (a) or (b) of this section involving litter having an aggre-
4 gate weight of five pounds or less.

5 * Sec. 6. AS 46.06.020, 46.06.030, 46.06.040, and 46.06.070(b) are
6 repealed.

7 * Sec. 7. Section 5, ch. 149, SLA 1980, as amended by sec. 9, ch. 164,
8 SLA 1984, is repealed.

9 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).
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